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allowing the heat to transfer directly from the one or more heaters to a selected section of the formation such that a porosity of a majority of at least a portion of the selected section increases substantially uniformly.

E2  
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5397. (amended) A method of treating a hydrocarbon containing formation in situ, comprising:  
providing heat from one or more heaters to at least a portion of the formation; and  
allowing the heat to transfer directly from the one or more heaters to a part of the formation such that a porosity of a majority of the part increases substantially uniformly.

**Response To Office Action Mailed December 14, 2002**

**A. Pending Claims**

Claims 2270-2308, 5396-5428, 5430-5439, and 5467-5476 are currently pending. Claims 2270 and 5397 have been amended. Claims 2270 and 5397 have been amended as per the Examiner's suggestion.

**B. Terminal Disclaimer**

The Examiner requested a terminal disclaimer for the present application over co-pending application 09/841,284. Applicant does not believe that a terminal disclaimer is needed for the present application in light of the 09/841,284 application, but in the interest of expediency, a terminal disclaimer over the 09/841,284 application is sent as an accompanying document.

**C. Additional Comments**

Applicant submits that all claims are in condition for allowance. Favorable reconsideration is respectfully requested.

Applicant requests a one-month extension of time to respond to the Advisory Action. A Fee Authorization is enclosed to cover the fee for the accompanying terminal disclaimer and the fee for the extension of time. If a further extension of time is required, Applicant hereby requests the appropriate extension of time. If any additional fees are required or if any fees have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5659-02500/EBM.

Respectfully submitted,



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Date: APRIL 10, 2003

**Marked-Up Copy Of Amendments Submitted With  
Amendment; Response To Advisory Action Mailed March 14, 2003**

2270. (amended) A method of treating a hydrocarbon containing formation in situ, comprising:

providing heat from one or more heaters to at least a portion of the formation; and  
allowing the heat to transfer directly from the one or more heaters to a selected section of the formation such that a porosity of a majority of at least a portion of the selected section increases substantially uniformly.

5397. (amended) A method of treating a hydrocarbon containing formation in situ, comprising:

providing heat from one or more heaters to at least a portion of the formation; and  
allowing the heat to transfer directly from the one or more heaters to a part of the formation such that a porosity of a majority of the part increases substantially uniformly.